

### **REMARKS**

Claims 1 and 35-50 are currently pending in the subject application and are presently under consideration. Claims 1, 10, 17, 30, and 36 have been amended as shown on pp. 3, 5-6, and 9-11 of the Reply. In addition, the specification has been amended as indicated on p. 2. An interview was conducted on March 13, 2008. While the discussion generally related to all the claims, the focus of the discussion focused on independent claim 1 and proposed amendments. In particular, amendments disclosed herein were presented to the Examiner. The interview was conducted with Ronald Krosky (Reg. No. 58,564), Asmita Chande, and Examiner Daniel. The main focus of the interview was on deficiencies of the 102 rejections. No agreements were reached.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Objection of the Drawings**

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. This objection is moot in view of the amendments to the claims and thus it is requested that the objection be withdrawn.

#### **II. Rejection of Claim 1 Under 35 U.S.C §112**

Claim 1 stands rejected under 35 U.S.C §112, first paragraph, as failing to comply with the written description requirement. This rejection should be withdrawn for at least the following reasons. Claim 1 has been amended to overcome deficiencies associated with this rejection. Accordingly, withdrawal of this rejection is requested.

#### **III. Rejection of Claims 10-14, 16-17, 22, 24-26 and 28-29 Under 35 U.S.C. §102(e)**

Claims 10-14, 16-17, 22, 24-26 and 28-29 stand rejected under 35 U.S.C. §102(e) as being anticipated by Alanara *et al.* (hereinafter Alanara) US 6,292,668 B1). This rejection should be withdrawn for at least the following reasons. Alanara *et al.* does not disclose or suggest each and every aspect set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation set forth in the patent claim***. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The ***identical invention must be shown in as complete detail as is contained in the ... claim***. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed subject matter relates to an active messaging system that provides interpretation and execution of an active message script that is included in a short text message received at a digital cellular telephone by radiant transmission. In particular, independent claims 10 and 17 recite similar aspects, namely, ***a user interface that displays an active message script provided by the active message script composition software and an application specified by a user***. *Alanara et al.* does not teach this novel aspect.

*Alanara et al.* relates to a system in a communication network comprising transmitting and receiving terminals being capable of supporting a plurality of applications. Specifically, the communication terminal receives user messages comprising data and a header relating to an application and addresses the data to an already installed application according to the header. More specifically, the applications disclosed by *Alanara et al.*, are pre-stored in a terminal or arranged into a terminal at a later stage (*See* column 7, lines 53-56). Further, the system facilitates downloading a software (SIM software) onto a phone (*See* column 8, line 60), however, *Alanara et al.* does not teach or suggest a user interface that displays an active message script that is provided by an active message script composition software as an application specified by a user.

Applicants' subject claims, in contrast, disclose a system and method wherein an active message script composition user interface that is rendered by an active message script composition software assists users with composing active messages or applications based upon the active message script. In particular, ***an active message script window displays active message script provided by the active message script composition software as the application specified by the user*** (*See* page 25, [0076]). For example, user interface includes an applications listing, represented as a drop-down menu that lists active message applications that are available to the user. Once composition of an application is complete, the application may be assigned

identifying information in an application identification window that may include an application ID, an indication of a host computer where the application is to be stored, and a path indication specifying the location of the application on the host. Each application includes a set of commands or instructions. User interface includes an application commands display that lists commands included in the application indicated or selected in applications listing. The commands in application commands display may be represented in the form of a simple sequential listing or as a tree structure. A command edit window allows a user to select or specify features or characteristics of a command selected in application commands display. The active message script window displays the active script created based on the user's selection. (See page 24, [0077]-[0078].) Alanara, *et al.* fails to disclose this novel aspect. Furthermore, independent claim 10 recites an active message file manager ***that at least one of adds, removes or renames an active message application.*** Specifically, applicants' claimed subject matter discloses an active message file manager that maintains active message applications and services that are stored in a file system on mobile telephone (e.g., stored on a SIM 12 of a GSM-standard telephone). (See page 13, [0048].) Alanara, *et al.* is silent with respect to management of active message application that are downloaded and installed onto a mobile device.

In view of at least the foregoing, it is readily apparent that Alanara *et al.* does not teach or suggest the subject invention as recited in claims 10 and 17 (and claims 11-14, 16, 22, 24-26 and 28-29 that depend there from). Thus, it is respectfully requested that this rejection be withdrawn.

#### **IV. Rejection of Claims 1, 3-9, 30-33, 35-39, 41-46 and 49-50 Under 35 U.S.C. §103(a)**

Claims 1, 3-9, 30-33, 35-39, 41-6 and 49-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* ( US 6,292,668 B1) in view of Zhang *et al.* (US 7,082,312 B2). This rejection should be withdrawn for at least the following reasons. Alanara, *et al.* either alone or in combination with Zhang *et al.*, does not teach or suggest every feature of the subject claims.

***[T]he prior art reference (or references when combined) must teach or suggest all the claim limitations.*** See MPEP § 706.02(j). See also *KSR Int'l Co. v. Teleflex, Inc.*, 550 U. S. \_\_\_\_, 04-1350, slip op. at 14 (2007). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Applicants' claimed subject matter relates to active messaging system that is associated with a short text messaging service of a digital cellular telephone system. Independent claims 1, 30 and 36 recite similar aspects, namely ***the user interface displays the active message script provided by an active message script composition software as an application specified by a user.*** Alanara, *et al.* either alone or in combination with Zhang *et al.*, fails to teach or suggest this novel feature.

As seen from above, Alanara *et al.* fails to teach or suggest a system wherein the active message script is displayed to a user *via* a user interface. Zhang *et al.* relates to a system and method for providing information service for mobile telephones employing short message service but does not teach or suggest a system wherein an active message script window displays the active script created based on the user's selection and the active message script composition software. Thus, Zhang *et al.* does not remedy the aforementioned deficiencies presented by Alanara *et al.* with respect to independent claims 1, 30 and 36. Accordingly, it is respectfully requested that this rejection be withdrawn and the subject claims allowed.

**V. Rejection of Claims 15 and 27 Under 35 U.S.C. §103(a)**

Claims 15 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* (U.S. 6,292,668 B1) in view of Comer (U.S. 5,610,973). This rejection should be withdrawn for at least the following reasons.

Claims 15 and 27 depend from independent claims 10 and 17 respectively. Alanara *et al.* fails to disclose all aspects of independent claims 10 and 17 and does not teach a user interface that displays an active message script. Comer relates to a system and method for automatically detecting the presence of predetermined classes of mobile radiotelephones within a cellular network and interactively communicating with a registering mobile radiotelephone within such classes. Comer fails to remedy the aforementioned deficiencies of Alanara *et al.* with respect to independent claims 10 and 17.

Alanara *et al.*, alone or in combination with Comer, fails to teach or suggest all features of applicants' invention as recited in independent claims 10 and 17 (and claims 15 and 27 that depend there from), and thus fails to make obvious the subject claims. Therefore, it is respectfully requested that this rejection be withdrawn.

**VI. Rejection of Claims 18-21 and 23 Under 35 U.S.C. §103(a)**

Claims 18-21 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* (US 6,292,668 B1) in view of Chen *et al.* (US 2003/0054810 A1). This rejection should be withdrawn for at least the following reasons. Alanara *et al.*, alone or in combination with Chen *et al.*, does not teach or suggest each and every feature of the subject claims.

Claims 18-21 and 23 depend on independent claim 17. Chen *et al.* does not compensate for the deficiencies of Alanara *et al.* as discussed *supra*. Chen *et al.* merely relates to a system that includes a mobile device server, which provides a message gateway to allow mobile devices that use different protocols to relay messages to each other but does not teach a system wherein an active message script is displayed to a user *via* a user interface. Therefore, this rejection should be withdrawn.

**VII. Rejection of Claims 34, 40 and 47 Under 35 U.S.C. §103(a)**

Claims 34, 40 and 47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* (US 6,292,668 B1) in view of Zhang *et al.* (US 7,082,312 B2) as applied to claims 30 and 36 above, and further in view of Chen *et al.* (US 2003/0054810 A1). This rejection should be withdrawn for at least the following reasons. Alanara *et al.* and Zhang *et al.*, alone or in combination with Chen *et al.*, fail to teach or suggest each and every aspect of the claimed subject matter.

Claims 34, 40 and 47 depend from independent claims 30 and 36 respectively. Chen *et al.* fails to make up for the deficiencies presented by Alanara *et al.* and Zhang *et al.* with respect to independent claim 30 and 36, as discussed *supra*. Accordingly, it is respectfully requested that this rejection be withdrawn.

**VIII. Rejection of Claim 48 Under 35 U.S.C. §103(a)**

Claim 48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* (US 6,292,668 B1) in view of Zhang *et al.* (US 7,082,312 B2) as applied to claim 36 above, and further in view of well known prior art (MPEP 2144.03). The cited references, alone or in combination, do not teach or suggest all aspects recited in the claims.

Claim 48 depends from independent claim 36. As discussed above, Alanara *et al.* and Zhang *et al.* do not disclose each and every aspect set forth in independent claim 36. Further, the

Examiner takes official notice to the fact that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a feature of a DeleteUser active message command data structure that deletes a user from a list. Applicants' representative respectfully traverse the aforementioned well known statements and request that the Examiner cite a reference in support of his position pursuant to MPEP 2144.03 if the rejection of the independent claims is maintained.

Based on at least the foregoing, it is respectfully requested that this rejection be withdrawn.

### **CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP682US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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